

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STATE OF WASHINGTON,

C17-5806RJB

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

UGOCHUKWU GOODLUCK  
NWAUZOR, FERNANDO  
AGUIRRE-URBINA, individually and  
on behalf of all those similarly  
situated,

C17-5769RJB

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida  
corporation,

Defendant

COURT'S CASE INTRODUCTION TO  
ALL JURORS

COURT'S CASE INTRODUCTION TO ALL JURORS

1 Ladies and Gentleman:

2 We are conducting civil trials remotely, on the Zoom platform, because of the pandemic.  
3 This means that jurors will not be required to come to the Courthouse every day, but will  
4 participate by computer from home or your private space or office. The obligations of jurors will  
5 be the same as if you were in the courtroom. You must be able to give the case your full  
6 attention from 9:00 a.m. until 4:00 p.m. throughout the trial. Also, you must follow the orders  
7 and instruction of the Judge and court staff.

8 The first order of business today is for me to tell you a bit about the case we are going to  
9 try and to introduce the participants in the trial.

10 We have joined two cases together for the first phase of this trial, because the two cases  
11 share common issues. After those issues are resolved, the same jury may be called upon to hear  
12 a second phase of the case.

13 The Plaintiffs in the first case are Ugochukwu Goodluck Nwauzor and Fernando Aguirre-  
14 Urbina. Their lawyers are \_\_\_\_\_ and  
15 \_\_\_\_\_. These Plaintiffs are here on their own behalf and as  
16 representatives of a class of others. Their claims are described as a class action. A class action  
17 is a lawsuit that has been brought by one or more plaintiffs on behalf of a larger group of people  
18 who have similar legal claims. All of these people together are called a “class.” In a class  
19 action, the claims of many individuals can be resolved at the same time instead of requiring each  
20 member to sue separately over the same issue. Because of the large number of possible claims  
21 that are in the case, not everyone in the class will testify. The evidence at trial applies to all class  
22 members. All members of the class will be bound by the result of this trial.

23 In this case, the Plaintiffs’ class consists of the following:  
24

1 All civil immigration detainees who participated in the Voluntary Work Program at the  
2 Northwest Detention Center at any time between September 26, 2014, and the date of  
final judgment in this matter.

3 The Plaintiff in the second case is the State of Washington. The State here is represented  
4 by Assistant Attorneys General \_\_\_\_\_ and  
5 \_\_\_\_\_.

6 The Defendant in both cases is The GEO Group, Inc., a corporation also known as  
7 “GEO.” GEO’s lawyers are \_\_\_\_\_ and \_\_\_\_\_.

8 The parties have agreed on certain facts that will give you the background of the issues:

9 **III. ADMITTED FACTS**

10 The following facts are admitted by the parties:

11 1. GEO owns and operates the Northwest Immigration and Customs Enforcement  
12 Processing Center, which was known from 2005 to 2019 as the Northwest Detention Center. It  
is located at 1623 East J Street, Tacoma, Washington.

13 2. Since October of 2005, GEO has contracted with U.S. Customs and Immigration  
14 Enforcement (ICE) within the U.S. Department of Homeland Security to provide civil  
15 immigration detention management services at the Center for adults held in administrative  
16 custody as they await immigration status review by ICE and the federal judiciary.

17 3. GEO has expanded the capacity of the Center. The Center initially had the  
18 capacity to house between 500 to 800 individuals. In July 2006, GEO expanded the Center to  
19 house up to 1,000 individuals . In October 2009, GEO expanded the Center a second time so that  
it now has the capacity to house up to 1,575 individuals.

20 4. Pursuant to the Center contract between GEO and ICE, GEO provides detention  
21 services to ICE including, but not limited to: the building, management and administration,  
22 security, clean and vermin free facilities, food service with three nutritious meals per day, clean  
23 uniforms and bedding, and barbershop/grooming services.

1           5. Pursuant to the Center contract between GEO and ICE, GEO is required to  
2 “perform in accordance with” specific “statutory, regulatory, policy, and operational”  
3 constraints, including the ICE/DHS Performance Based National Detention Standards, as well as  
4 “all applicable federal, state, and local laws.”

5           6. The Performance Based National Detention Standards, and its predecessor the  
6 National Detention Standards, is a set of standards developed by ICE to ensure that all entities it  
7 contracts with provide safe and secure facilities.

8           7. Performance Based Standard 5.8 requires that GEO offer detained persons an  
9 opportunity to work in a Voluntary Work Program.

10          8. Since October of 2005, GEO has offered detainees positions in its Voluntary  
11 Work Program.

12          9. On a given day, there could be as many as 470 positions for detainees in the  
13 Voluntary Work Program at the Center.

14          10. While detained, detainees do not have the opportunity to leave the Center or work  
15 outside of the Center, unless explicitly authorized by ICE.

16          11. GEO does not review whether detainee-workers have work authorization when  
17 reviewing their requests/applications for positions in the Voluntary Work Program.

18          12. GEO maintains job descriptions for Voluntary Work Program positions.

19          13. Positions that are available to detainees in the Voluntary Work Program are  
20 varied, including in the kitchen, in the laundry room, cleaning of common areas, and cutting hair  
21 in the barbershop.

22          14. GEO provides detainees in Voluntary Work Program positions with all  
23 equipment, materials, supplies, uniforms, and personal protective equipment necessary to their  
24 Voluntary Work Program position.

          15. GEO has never paid detainees in Voluntary Work Program positions the state  
minimum wage.

1           16.     GEO has paid and continues to pay detainees in Voluntary Work Program positions  
2 \$1 per day.

3           17.     Performance Based Standard 5.8 states: “Detainees shall receive monetary  
4 compensation for work completed in accordance with the facility’s standard policy. The  
5 compensation is at least \$1.00 (USD) per day.”

6           18.     GEO employs non-detainee employees, including two or three janitors at the  
7 Center.

8           19.     Washington’s hourly minimum wage from 2005 to the present year has gone from  
9 \$7.35 on January 1, 2005, to \$13.50 on January 1, 2020.

10          20.     Mr. Nwauzor is a citizen of Nigeria, and was granted asylum in the United States  
11 in January 2017.

12          21.     Mr. Nwauzor was held at the Center as a civil immigration detainee from  
13 approximately June 2016 until January 2017.

14          22.     Mr. Nwauzor held a Voluntary Work Program position during his detention at the  
15 Center.

16          23.     Mr. Nwauzor obtained lawful permanent residence status, commonly known as a  
17 “green card,” in July 2018.

18          24.     Mr. Aguirre-Urbina was born in Mexico.

19          25.     Mr. Aguirre-Urbina was held at the Center as a civil immigration detainee  
20 beginning in September 2012.

21          26.     Mr. Aguirre-Urbina held a Voluntary Work Program position during his detention  
22 at the Center.

23                 All parties agree that the first issues to be tried are whether GEO is required to pay the  
24 hourly minimum wage to detainees in the Voluntary Work Program at the Center under the State

1 of Washington's Minimum Wage Act; and does intergovernmental immunity render GEO  
2 immune from liability under the Minimum Wage Act?

3 The Plaintiff State of Washington claims that it brings this case as an enforcement action,  
4 to require GEO to adhere to Washington State's Minimum Wage Act. The class Plaintiffs' claim  
5 is to recover for money they claim is due, under the Minimum Wage Act, for work performed as  
6 part of the Voluntary Work Program.

7 Defendant denies the Plaintiffs' claims and affirmatively claims that GEO is immune  
8 from Plaintiffs' claims under the law.

9 Plaintiffs deny Defendant's claims.

10 The parties have the burden of proving any claim or affirmative defense by a  
11 preponderance of the evidence, which means you must be persuaded by the evidence that the  
12 claim or affirmative defense is more probably true than not true.

13 GEO has been the subject of news reports on other subjects lately that are not directly  
14 relevant to these cases. This case is not about whether the government's contracting with private  
15 entities to operate detention facilities is a good or bad policy, nor is it about specific events at the  
16 Center, unrelated to the issue of minimum wage and the Voluntary Work Program. Nor are these  
17 cases about United States' Immigration Policy or border issues.

18 An important part of the case is jury selection. In order that the case be tried before an  
19 impartial jury, the lawyers and I will ask you questions, not to embarrass you or to pry into your  
20 private affairs, but to determine if you are unbiased and without preconceived ideas which might  
21 affect the case. You should not withhold information in order to be seated on this particular jury.  
22 You should be straightforward in your answers rather than answering in the way you feel the  
23 lawyers or I expect you to answer. Your answers will be under oath. It is presumed that when a  
24 jury has been selected and accepted by both sides, each of you will keep an open mind until the

COURT'S CASE INTRODUCTION TO ALL JURORS

1 case is finally submitted, will accept the instructions of the Court, and will base any decision  
2 upon the law and the facts uninfluenced by any other considerations. The purpose of the  
3 questions is to determine if you have that frame of mind.

4 The lawyers have the right and duty to challenge any jurors for cause. They may also  
5 challenge a certain number of jurors without giving any reason as a guarantee to both parties that  
6 they may remove some jurors if they wish. You should not take offense if you are challenged,  
7 because the challenges are not exercised as a personal reflection on you.

8 A number of witnesses may testify in this case. I have asked counsel to list the witnesses  
9 that are local, and I will read the list to you. Make a mental or written note of anyone on the list  
10 of witnesses that you know, or know of, and we will ask you about that in the questioning.

11 Possible witnesses are: \_\_\_\_\_

12 We are going to divide you up into groups of \_\_\_\_\_ for inquiry into  
13 whether each of you can serve as fair and impartial jurors in this case.

14 I ask each of you for your patience. We will work as fast as we can.  
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